

REMARKS

Prior to entry of this paper, claims 1-7, 9-32, and 34-45 were pending. The Final Office Action dated May 7, 2009 rejected claims 1-7, 9-32, and 34-45. In this paper, claims 1, 18, 26, 35, 41, and 45 are amended; no claims are cancelled; and no claims are added. Accordingly, claims 1-7, 9-32, and 34-45 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, the applicants' representative respectfully submits that each of the presently pending claims is in condition for allowance.

Claim Rejections

Claims 1, 3, 4, 9-12, 14, 15, 26-30, 32, 35-38, and 40-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard, and Buhle. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard and Buhle, further in view of Bryson. Claims 5, 18, 20-22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard and Buhle, further in view of Wilf. Claims 6, 7, 16, 17, 31 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard and Buhle, further in view of Laraki. Claims 13 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard and Buhle, further in view of Kindberg. Claims 19 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard, Buhle and Wilf, further in view of Laraki. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aura in view of Jamtgaard, Buhle and Wilf, further in view of Kindberg. Applicants respectfully traverse these rejections.

It is respectfully submitted that the rejection to amended independent claim 1 should be withdrawn at least because none of the cited references disclose or suggest "determining if the mobile device is enabled to accept a cookie" in conjunction with the limitation "if the mobile device is enabled to accept a cookie, then determining at least a second level of trust associated with the mobile device," as recited by amended independent claim 1. Jamtgaard, which the Final Office Action cites for disclosing "cookies" and "second level of trust," fails to teach or suggest these limitations when the amended claim is read as a whole. Indeed, after careful review of the Jamtgaard reference, Jamtgaard provides no discussion whatsoever regarding trust or levels of

trust. Therefore, it follows that Jamtgaard cannot disclose or suggest determining a level of trust based on whether “the mobile device is enabled to accept a cookie.”

In addition, it is respectfully submitted that the rejection to amended independent claim 1 should be withdrawn at least because none of the cited references disclose or suggest “determining if the mobile device is enabled to interact with a Uniform Resource Locator (URL),” in conjunction with the limitation “if the mobile device is enabled to interact with a URL, then determining at least a third level of trust associated with the mobile device,” as recited by amended independent claim 1. Jamtgaard, which the Final Office Action cites for disclosing “URL” and “third level of trust,” fails to teach or suggest such limitations when the amended claim is read as a whole. Indeed, as discussed above, Jamtgaard provides no discussion whatsoever regarding trust or levels of trust. Therefore, it follows that Jamtgaard cannot disclose or suggest determining a level of trust based on whether “the mobile device is enabled to interact with a URL.”

The concept of considering the limitations of the claim “as a whole,” as discussed further in MPEP §2141.02(I), is an important part of the claimed invention, which, when operated in the claimed manner, enables using, in part, various recited capabilities of the mobile device to assign different levels of trust and thereby at least one device signature that is useable to enable the mobile device to perform an action over the network associated with the request. Unlike the combination of cited references, the claimed invention enables such capabilities for the mobile device.

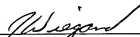
Amended independent claims 18, 26, 35, 41, and 45 recite limitations that are similar, yet different, to the limitations recited in amended independent claim 1. Accordingly, amended independent claims 18, 26, 35, 41, and 45 are allowable for at least the reasons discussed above. Also, dependent claims 2-7, 9-17, 19-25, 27-32, 34, 36-40, and 42-45 are also allowable at least by virtue of their dependence on one of amended independent claims 1, 18, 26, 35, or 41.

CONCLUSION

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. The applicants reserve the right to raise these arguments in the future.

Dated: August 27, 2009

Respectfully submitted,

By 

Jamie Wiegand
Registration No.: 52, 361
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(206) 262-8915
(206) 262-8901 (Fax)
Attorneys/Agents For Applicant